

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## UNITED STATES DISTRICT COURT

for the

middle District of PACivil Division

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

TIMOTHY RICE

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

ms golden - c/olevowritetial

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

FILED  
SCRANTON

JUN 22 2020

Per [Signature]  
DEPUTY CLERK

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

All other names by which  
you have been known:

ID Number

Current Institution

Address

TIMOTHY RICE  
~~UNIT MANAGER - golden~~  
DV2363  
SCI PHOENIX  
1200 MOKYCHIC RD  
Colledgeville PA 19142  
City State Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name

Job or Title (if known)

Shield Number

Employer

Address

~~UNIT MANAGER~~ <sup>MS</sup> golden  
~~SOLE MANAGER~~ UNIT MANAGER  
~~PSYCHOLOGIST~~ N/A  
~~SUPER INTENDANT~~ SCI PHOENIX  
1200 MOKYCHIC RD  
Colledgeville PA 19426  
City State Zip Code

☐ Individual capacity ☐ Official capacity

**Defendant No. 2**

Name

Job or Title (if known)

Shield Number

Employer

Address

C/O Levaewrit  
C/O OFFICE, PROPERTY OFFICER  
N/A  
SCI PHOENIX  
1200 MOKYCHIC RD  
Colledgeville PA 19426  
City State Zip Code

☐ Individual capacity ☐ Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

~~Superintendent~~ J. Sober  
 SUPERINTENDENT  
 N/A  
 SCI PHOENIX  
 1200 MOKYOTIC RD  
 Colledgeville PA 19426  
 City State Zip Code

☐ Individual capacity ☐ Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

MS HYDRO  
 PSYCHOLOGIST  
 N/A  
 SCI PHOENIX  
 1200 MOKYOTIC RD  
 Colledgeville PA 19426  
 City State Zip Code

☐ Individual capacity ☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

EIGHTH ADMELEMENT, CRUEL AND UNUSAL PUNISHMENT

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Im sue under section 1983, each defendant in their individual capacity and state official capacity

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Im BEING TARGET BY these HIGH RANKING STAFF OFFICIAL BECAUSE OF my BELIEF IN god as a CHRISTIAN. I BEEN ILLEGALLY CONFINED TO RRL AND RHU and deprive my RIGHT to general population

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

I BEEN ~~ORDER~~ DEPRIVE OF MY TO YARD, RECREATION TO SEE PRC TO BE RELEASE TO general population I BEEN ILLEGALLY STUCK IN THE HOLE AFTER I COMPLETED A STEP DOWN PROGRAM, I BEEN TOLD BY these STAFF OFFICIAL AS MENTION I WILL DYE IN the WHOLE and never get a day/night in general population. These staff official HAVE SPIT IN my Food and so forth

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

C. What date and approximate time did the events giving rise to your claim(s) occur?

AROUND 3-24-20 I RECEIVED RAZOR  
FROM C/O LEVAVROT POT SHOWER AND C/O LOVONROT  
TOLD ME TO SWALLOW RAZOR CAUSE THE CHINESE  
GOVERNMENT WANT YOU DEAD, I BEEN ASSAULTED

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

THESE OFFICERS THREATEN TO TAKE A CHECK  
I SETTLE WITH THE STATE FOR \$15,000 3-9-20 ON  
6-16-20 THE ATTORNEY GENERAL ALEXANDER T. KORN  
TOLD THE MAGISTRATE JUDGE HE SENT THE CHECK  
CERTIFIED MAIL TRACKING NUMBER TO BUSINESS  
MANAGEMENT AND AS OF THIS CHECK NEVER  
REACH SCI PHOENIX CIVIL NO 19-CV-0285  
JUDGE RAMBO  
MAGISTRATE JUDGE CARLSON

## V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

PLEASE REFER TO SEPERATE NEW LAWSUIT  
I FILE IN DIFFERENT FORM SENT OUT  
THE SAME DATE 6-18-20 TWO SEPERATE LAWSUIT  
ALL ARISEN BY STAFF OFFICIAL WHO CLAIM  
THEY ON THE PAYROLL OF THE CHINESE GOVERNMENT  
AND THEY ORDER TO KILL PLAINTIFF TIMOTHY RICE  
FOR MY LOVE FOR AMERICA  
AND EXPOSING THE CHINESE GOVERNMENT SECRET

## VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I WANT THE COURT TO FIRST PUT THIS COUNTRY FIRST  
USA. BY FILING BOTH NEW SEPERATE LAWSUIT AWARDED  
PLAINTIFF FIVE MILLION SHOW THESE TRADERS WE  
USA. WILL NOT BE THE TARGET OF THESE SERIOUS  
THREAT TO USA AND PLAINTIFF TIMOTHY AS A STRONG  
COUNTRY, SMART COUNTRY, WE WILL FIGHT BACK  
AND NEVER LEAVE A U.S.A. CITIZEN BEHIND  
WHO'S BEEN TARGET BY STAFF OFFICIAL  
AT BEHEST OF CHINESE GOVERNMENT OR COURT  
WE MUST SEND THEM MESSAGE

**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

SCI Phoenix

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

I tried to Filed grievance and never  
Receve any thing Back



Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

I Receive a CHINESE memo at SCI FRACKVILLE  
I filed grievance, I sent copy of CHINESE MEMO  
WITNESS TO Deputy Attorney General ALEXANDER  
T. KORN, BRIAN O'LEARY Federal Investigator  
and STEVEN H. ROSENBAUM, U.S. DOJ  
Washington DC

2. What did you claim in your grievance?

THAT I'M BEING OPPRESS BY THE  
CHINESE GOVERNMENT. BY HIGH RANKING  
STAFF OFFICIAL ON THE PAY ROLL OF CHINESE  
GOVERNMENT THEY ARE TRADERS IN USA  
FOR THE CHINESE GOVERNMENT, SERIOUS

3. What was the result, if any?

They reject my grievance  
attorney general ALEXANDER did not  
they believe me they got the CHINESE MEMO  
IN CHINESE SENT TO PLAINTIFF TIMOTHY RICE

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I Reach out to DOC central office  
The DOC Have HIGH RANKING OFFICIAL  
ON PAY ROLL OF CHINESE GOVERNMENT

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

No

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I IN FORM J. NEWBERRY grievance coordinator  
at SCI FRACKVILLE I IN FORM gina orlando  
grievance coordinator at SCI PHOENIX

## G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

you should contact STEVEN. H. ROSEN BLOOM  
at U.S. DEPARTMENT OF JUSTICE and  
DEPUTY ATTORNEY GENERAL ALEXANDER T. KORM  
TO CONFIRM PLAINTIFF'S EVENT

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

## VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A



Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) ~~Timothy R. Rife~~ N/A  
 Defendant(s) ~~McCain~~ N/A

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

No

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☒ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) ~~LT~~ Timothy Rice

Defendant(s) C/O YOUNG, LT YOUNG, NEW LAWSUIT  
NO CASE NUMBER YET

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

CV-1-19-0285

4. Name of Judge assigned to your case

Judge Rambo - Magistrate Judge Carlson

5. Approximate date of filing lawsuit

2-21-19 6-18-20  
NEW LAWSUIT

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

The state settle out of court &  
with Plaintiff Timothy Rice for  
15,000

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 6-18-20

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Timothy Rice  
TIMOTHY RICE  
DV2363  
1260 MOKYCHIC RD  
Colledgewille Pa 19426  
City State Zip Code

**B. For Attorneys**Date of signing: ~~6-18-20~~ 6-18-20

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

~~Timothy Rice~~ Prose Plaintiff Timothy Rice  
TIMOTHY RICE  
NA  
N/A  
1260 MOKYCHIC RD  
Colledgewille PA 19426  
City State Zip Code

Telephone Number

E-mail Address

NA  
N/A

Dear Deputy Clerk,

Peter J. Welsh, Please Find  
two separate lawsuit IM  
Filing in your court mislabeled  
with Forms was given, in two  
separate manila envelope envelope  
~~Respect~~

sent out at same time  
6-18-20

Respect Fully Submitted  
Timothy Rice 6-18-20

Thermon Rice-DV 2363  
SCI PHOENIX  
1200 MCKAYHIC RD  
CALLEGEVILLE PA 19426

RECEIVED  
SCRANTON

JUN 22 2020

PEH   
DEPUTY CLERK

PA DEPARTMENT OF  
CORRECTIONS  
INMATE MAIL

first-class MAIL  
netpost  
06/18/2020  
US POSTAGE \$001.40



ZIP 19426  
041M12252211

Office of the clerk  
Peter J. Welsh  
middle district of PA  
Tennison Bldg. 4th

